

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHNNIE R. TOLES, )  
Petitioner, )  
v. ) Case No. CIV-13-273-D  
HASKELL HIGGINS, )  
Respondent. )

## ORDER

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, which challenged his conviction for first degree manslaughter. The matter was referred to United States Magistrate Judge Bernard M. Jones for initial proceedings in accordance with 28 U.S.C. § 636(b)(1)(B). On February 12, 2016, the Magistrate Judge filed his Report and Recommendation [Doc. No. 17], in which he recommended that the Court deny the Petition. In his Report and Recommendation, the Magistrate Judge advised the parties of the right to file objections to the same and directed the parties to file any objections no later than March 4, 2016. The Magistrate Judge further admonished the parties that failure to timely object would constitute a waiver of the right to appellate review of the factual and legal issues addressed in the Report and Recommendation.

The deadline for filing objections has expired and to date, neither party has filed objections or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 17] is **ADOPTED** as though fully set forth herein.

**IT IS THEREFORE ORDERED** that the Petition for Writ of Habeas Corpus [Doc. No. 1] is **DENIED**. Judgment shall be entered accordingly.

**IT IS SO ORDERED** this 10<sup>th</sup> day of March, 2016.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE